

*Afrasiabi v. Ashcroft*, No. 02-16353

**AUG 15 2003**

REINHARDT, Circuit Judge, concurring specially.

**CATHY A. CATTERSON**  
**U.S. COURT OF APPEALS**

I concur only because under the harsh rules applicable to immigration cases a minor human error can often result in decent people, who have long been residents of this country, being deported by the government to unfriendly, undemocratic nations. Such arbitrary actions often, as in this case, serve to break up families, dividing husbands from their wives and children. Here, a hard-working man who after six years of hearings missed an appearance before an immigration judge will be deported to Iran, although he has traveled across the country to make similar appearances on a number of occasions, had never missed a hearing previously, and was trying, without benefit of counsel, to obtain a change of venue. For his sin, after living here almost thirty years, he will be deported to Iran to live in the Islamic Republic under the stewardship of the Mullahs. His U.S. citizen wife and American born children will in all likelihood be forced to remain here. We are not free as federal judges to interfere with this shameful process or to right this injustice. Nor under our system may I properly dissent. I can do no more than deplore the result I am compelled to reach.